

Local Government Handbook

Community Services and Facilities

Maintaining Public Safety

(revised 11/18/03)

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Introduction

Local government, in cooperation with the state and federal governments, plays a vital role in providing for the protection and maintenance of human life and property. The State of Alaska recognizes that local government is often the best provider of public safety programs for local citizens and, consequently, makes financial and technical assistance available to municipalities that have public safety programs.

A municipality's public safety programs may involve one or more of these services:

- * Fire protection.
- * Police protection.
- * Emergency medical services.
- * Disaster relief response.

(State law authorizes, but does not require, municipalities to provide these services.)

The chief administrator (mayor or manager) is responsible for the administration of public safety. Although he or she often appoints someone else, the administrator may serve as the police chief, fire chief, and civil defense director. With the exception of the police protection, the administrator of a small municipal government frequently relies on volunteers to carry out important public safety functions. It is not unusual to find the same individuals on the volunteer fire department, emergency medical response team, and the civil defense staff. In fact, public safety in small communities may be the best example of community spirit in Alaska.

Guidelines for Establishing Public Safety Programs

The organization and operation of a municipality's public safety program is largely left up to the municipality. However, the municipality should contact the appropriate state agency, such as Department of Public Safety, State Fire Marshal, Division of Emergency Services (see "Sources and Contacts" at the end of this section) when starting a public safety program. The agency can inform the municipality on what state and federal regulations apply to the program. Also, it can offer valuable technical assistance to the municipality based on the agency's involvement and familiarity with local programs across the state.

When creating and operating a public safety program, a municipality should consider the following guidelines.

Organizational Guidelines for Public Safety Services

1. Decide the level of service to provide and define the organizational structure and procedures for the public safety departments by ordinance. Examining the structure of programs in similar sized communities and asking for assistance from the Department of Community and Economic Development are good starting points.
2. If the chief administrative officer or other authorized party appoints a fire chief or police chief, the mayor or chief administrator still has overall responsibility for ensuring the

assigned duties are performed. The chief should be delegated enough authority to run the department efficiently, but not so much as to allow the chief to be independent of the supervision of the mayor or chief administrative officer. For instance, the chief administrator/governing body should retain the authority to approve any major expenditures for the public safety department that were not included in the municipal budget.

3. Provide for on-going staff and volunteer training. Coordinate this with established public safety training entities. Volunteers who do not successfully participate should be dropped from the programs.
4. Provide for inspections to be conducted by professionals who are not on the municipality's staff. For example, the State Fire Marshal's office.
5. Determine the need for liability insurance to protect the municipality from claims for negligent or improper actions of public safety personnel. (See the Local Government Handbook Chapter on "Municipal Risk Management.")
6. In addition to accounting and personnel record systems support, provide for a system for recording the department's basic activities; for example, the number of fires responded to, equipment maintenance, and training. Monthly reports of all activities should be made to the chief administrative officer and/or governing body.

Fire Protection

Often, a volunteer fire department is the first public safety service a municipality provides. Many communities organize local fire departments even before they incorporate as municipalities.

When a municipality provides fire protection using volunteers, it is still a municipal service, much like street maintenance or trash collection. The fire chief, although a volunteer, is considered a department head or supervisor. The fire chief is responsible for:

- * All actions of the volunteers while on duty.
- * Fireground and workplace safety.
- * Equipment maintenance.
- * Equipment use.
- * Volunteer training.
- * Reports.

State Assistance in Fire Protection

The state encourages the formation of volunteer fire departments. Local fire departments should work closely with the State Fire Marshall's office. Most municipalities have fire-fighting equipment that was purchased with state funds. In addition, state training assistance is available to volunteer fire staff in fire fighting techniques, equipment operation, inspections, fire investigations and general fire department operations. The two sources of information and assistance are:

- * State Fire Marshall's office, Department of Public Safety (See Contacts and Resources at the end of this chapter).
- * State of Alaska, Fire Service Training.

A governing body establishes the fire department through ordinance. Assistance in preparing an ordinance for the organization of a volunteer fire department is available from the Department of Community and Economic Development.

Police Protection

The position of police officer in smaller Alaskan communities is held by either a Village Police Officer (VPO), or a Village Public Safety Officer (VPSO). VPO qualifications are less stringent than VPSO qualifications and a VPO is paid with local funds while a VPSO is paid with state funds under a grant program administered by the regional non-profit. Under state law, AS 29.20.250 and AS 29.20.500(2), the mayor or municipal manager is the chief law enforcement officer, which means that enforcement authority can be delegated to a police officer; however, ultimate responsibility remains with the mayor or manager. If a local police officer is not available, the mayor or manager is a peace officer as defined in AS 01.10.060(a)(7)(F) and is authorized to issue citations and take actions necessary to maintain the public peace.

Some municipalities that have the need for a larger police force organize municipal police departments that are independent of the state funded VPSO program. The governing body establishes, through ordinance, a police department and provides for hiring a professional police chief. The mayor or chief administrator appoints the police chief subject to confirmation by the council and retains supervisory responsibility, unless otherwise provided in the ordinance establishing the department.

Enforcement of Local Ordinances

State law provides municipalities with the power to enforce local ordinances and to prescribe penalties for the violation of ordinances (AS 29.35.010[7]). Along with the power to enforce local ordinances, municipalities have the implied power to have and maintain a local police force.

The chief administrator, as the chief law enforcement officer, is responsible for the enforcement of municipal ordinances and for enforcing penalties for the violation of ordinances. The governing body establishes the penalties for violations of ordinances. These penalties may be either a civil or a criminal penalty. A civil penalty is a "small" fine, for example, one not exceeding \$300. Municipalities may be able to impose civil fines if the governing body has established an administrative process for dealing with infractions of an ordinance and penalties. Only the courts, on the other hand, can impose criminal penalties or penalties resulting in the loss of a valuable license. (See the Local Government Handbook on "Ordinances" for more information on enforcement of ordinances.)

Penalties

According to AS 29.25.070(a) a local government may prescribe punishments for "violations" of local ordinances not to exceed a fine of \$1,000.00 and imprisonment of 90 days. This statute also provides that a violation that cannot result in jail or the loss of a valuable license may allow disposition without court appearance and authorizes a municipality to establish a fining schedule. The Alaska legislature has determined that a fine of \$300.00 for a violation of a municipal traffic law is an infraction that does not entitle the person cited to a court appointed attorney or trial by jury (AS 28.40.050). Based on this determination, it may be that a municipality can avoid the obligation to pay for a court appointed attorney for ordinance violations if the penalty is just a

small fine. Any proposed municipal penalties should be discussed with the municipal attorney before being adopted.

(Note: These penalties may be imposed only if copies of the ordinances are made available to the public at no more than cost.)

Enforcement and the State Judicial System

The Alaska Constitution establishes the Alaska Court System. The constitution provides that there is a supreme court and superior court and authorizes the legislature to create other courts by law. In addition to those courts created by the constitution, the legislature has created district and appellate courts. Superior courts and district courts are organized into four judicial districts. Superior courts and district courts only hear cases from within their assigned district. These are the only bodies explicitly authorized to hear criminal and non-criminal cases. In this arrangement, district judges and magistrates have the jurisdiction for crimes involving violations of an ordinance. Unless there is an administrative process for dealing with the violation locally, a magistrate or judge usually hears cases and enter judgments concerned with violations of municipal ordinances.

The Alaska court system, through its district courts, determines the innocence or guilt of an accused party and orders the penalty for those found guilty. The local police and possibly an attorney hired by the municipality will be required to prosecute offenders of local ordinances in district court. For communities that do not have a district court, the Alaska Court system may provide a local magistrate. The magistrate presides over arraignment of all offenders and hears and decides misdemeanor cases. Communities without a local magistrate must rely on a traveling judge or travel to the nearest district court.

State Standards and Assistance in Police Protection

The State of Alaska has set standards for the employment and training of law enforcement personnel across the state. These standards are administered through the Alaska Police Standards Council. These state regulations establish employment standards that must be met so that an individual hired by the state will be recognized by the state as a law enforcement officer. These regulations require the officer to successfully complete an approved training program within a certain time period. The Alaska Police Standards Council (APSC) does not certify an officer if these requirements are not met.

Village Police Officer

The Village Police Officer (VPO) is the first level of local law enforcement permitted by state regulations. Such an officer is an employee of the municipality and is hired and fired in accordance with the municipality's personnel system. The chief administrator typically supervises the VPO. The state does not provide financial assistance to support the VPO position.

Certification of a VPO by the Alaska Police Standards Council requires that certain employment standards be satisfied, including the successful completion of a set number of hours of an approved training program. This training is designed to provide the minimum skills in areas of:

- ✴ First aid.

- * Criminal investigation.
- * Arrest procedures.
- * Fire fighting.

Village Public Safety Officer

The Village Public Safety Officer program began as a means of providing rural Alaskan communities with needed public safety services at the local level. The program was created to reduce the loss of life due to fire, drowning, lost person, and the lack of immediate emergency medical assistance in rural communities by training individuals in the community as first responders to public safety emergencies. In communities associated with the Village Public Safety Officer (VPSO) program, citizens are afforded response without delays caused by weather, distance, or budgetary restraints. Participation in the VPSO program is limited to certain communities meeting the definition in 13 AAC 89.150. Under this definition, a municipality or unincorporated community that has a population of less than 1,000 people and is off the inter-connected Alaska road system qualifies to participate in this program.

Working as a team with the Alaska State Troopers, VPSOs can stabilize most volatile situations and protect crime scenes until the Troopers can arrive. VPSOs frequently conduct and complete misdemeanor and minor felony investigations with assistance provided by the State Troopers. A VPSO's salary, group insurance plans, and retirement plans are paid by the regional non-profit entity contracting with DPS to administer the VPSO grant.

A VPSO is a highly trained local law enforcement officer certified by the Alaska Police Standards Council. Certification by the Alaska Police Standards Council requires the successful completion of at least 100 hours of training in:

- * Physical training.
- * Emergency trauma training.
- * Procedural law.
- * Criminal law.
- * Crime scene investigation.
- * Police procedures.
- * Search and rescue.

The VPSO position is funded through the Alaska Department of Public Safety and administered by regional non-profit agencies (see "Sources and Contacts" at the end of this section). While employed by a regional non-profit organization, the VPSO works under the direction of the local governing body and is supervised by the chief administrative officer. In addition, the Alaska State Troopers provide professional supervision. The VPSO is responsible for four areas of public safety:

Law Enforcement

- * Assist the municipality by enforcing and carrying out municipal ordinances and both state and federal laws.
- * Assess law enforcement situations and contact Alaska State Troopers for additional assistance.

Fire Prevention

- ✴ Work in cooperation with and provide assistance to the fire chief.

Search and Rescue

- ✴ Coordinate and organize local search and rescue programs.
- ✴ Maintain search and rescue equipment.

Public Safety Programs

- ✴ Provide public safety programs in:
 - Fire prevention.
 - Boating safety.
 - First aid.
 - Drug abuse education.
 - Emergency medical services.

Emergency Medical Services

Most Alaskan municipalities rely on trained volunteers to provide emergency medical services when there is an accident or other emergency resulting in personal injuries. In most communities, the local volunteer fire department usually provides emergency medical services.

The State of Alaska certifies the training of emergency medical volunteers as a part of a statewide plan for the delivery of health care systems. Under AS 18.08.010, the Alaska Department of Health and Social Services has the responsibility for developing Emergency Medical Services (EMS). The Emergency Medical Services Section of the Division of Public Health carries this out.

Regional EMS councils assist emergency medical services. The councils distribute state grants and coordinate the delivery of technical assistance to community EMS programs within their assigned areas. A list of regional EMS councils is included in "Sources and Contacts" at the end of this section.

All practicing emergency medical personnel, volunteer or paid, are regulated under a certification program (7AAC 26.010-170) that is administered by the Emergency Services Section. Each of the following categories of emergency services providers has different training and certification requirements. Contact Department of Health and Social Services, Division of Emergency Medical Services or your regional emergency services council for additional information on the training and certification requirements. Following is a listing of emergency services providers ranked in order of training and certification requirements, beginning with the least stringent:

- ✴ ETT (Emergency Trauma Technician).
- ✴ EMT I (Emergency Medical Technician).
- ✴ EMT II.
- ✴ EMT III.
- ✴ Mobile Intensive Care Paramedic - the most advanced level in the EMS system.

In providing for the delivery of emergency medical services, a municipality should initiate and maintain a close working relationship with the appropriate Regional EMS Council. Specific assistance should be requested for:

- ✳ Certifying municipal personnel and volunteers as an ETT, EMT, EMT Instructor, or Paramedic.
- ✳ Assistance in obtaining a physician who will sponsor the EMS service.
- ✳ Development of standard operating guidelines for the EMS providers.
- ✳ Arranging for local training courses or continuing educational courses.
- ✳ Organizing new emergency services or improving existing ones.
- ✳ Planning, purchasing, and maintaining emergency communications, transportation, and medical equipment.
- ✳ Obtaining medical consultation on emergency care procedures.
- ✳ Becoming certified as a ground or aeromedical ambulance service.

Disaster Response

All communities in Alaska are subject to disasters and emergencies, both natural and human-caused, that exceed the capability and resources of the community.

When the municipality determines that the disaster or emergency situation is beyond its capabilities, an authorized official can request direct technical and financial assistance from the state. This request is made in the form of a request for a declaration of disaster by the governor and submitted through the office of the Alaska Division of Emergency Services (ADES). (See "Sources and Contacts" at the end of this section.)

The request for a declaration of disaster describes the local situation and the impact of the disaster. In addition, the request identifies the amount of local resources the municipality will commit to the disaster operation.

A local government disaster declaration and request for assistance should be in the following format:

Heading: Local Government Disaster Declaration and Request for Assistance

Whereas, – Provide a brief description of the disaster event, including when and where it happened.

Whereas, – Provide a statement explaining the conditions and damages resulting from the disaster.

Whereas, – Provide a statement of local action and capability and an explanation that local government capacity has been exceeded.

Therefore, be it resolved - Provide a statement that the local governing body [include official name of governing body] hereby declares a state of disaster emergency exists in [include community name/location].

Furthermore, - Provide a brief statement requesting that the governor declare a disaster emergency under the provisions of AS 26.23, provide requested assistance, and/or request additional assistance from the federal government where appropriate.

Furthermore, - Provide a brief statement of the estimate of local government resources committed to addressing the damages and correcting the problem.

This must be **dated and signed by an authorized representative** of the governing body.

Many communities have prepared local disaster plans. Pulling resources together and organizing people during the confusion of a disaster is very difficult at best. A local disaster plan can save critical time and money, if and when a disaster strikes.

The Alaska Division of Emergency Services provides direct technical assistance to local communities to do disaster and emergency planning. ADES assists with the development of a local disaster ordinance, giving the municipality the authority to take on powers needed to deal with a local disaster (AS 26.23.010). Also, the ADES helps local officials write a local disaster plan. The Department of Community and Economic Development (DCED) also provides assistance in the area of flood plain management.

Sources and Contacts

Law Enforcement

<http://www.dps.state.ak.us/>

<http://www.dps.state.ak.us/ast/>

<http://www.dps.state.ak.us/ast/vpso/>

Alaska Department of Public Safety Post Office Box 1112000 Juneau, AK 99811 - 1200	(907) 465-4322
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Alaska Department of Public Safety 5700 E. Tudor Rd. Anchorage, AK 99507	(907) 269-4542
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Police Standards Council Post Office Box 1112000 Juneau, AK 99811 - 1200 http://www.dps.state.ak.us/Apsc/html/	(907) 465-4378
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Village Public Safety Officer Program - Non Profit Listing

Executive Director and/or VPSO Coordinator Aleutian/Pribilof Islands Association 201 E. 3 rd Ave Anchorage, AK 99501	(907) 222-4220
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President and/or VPSO Coordinator Association of Village Council Presidents P.O. Box 219 Bethel, AK 99559	(907) 543-7391 (800) 478-3521
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Chief Operating Officer & VPSO Program Manager	(907) 842-5257
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Bristol Bay Native Association P.O. Box 310 Dillingham, AK 99576	(800) 478-5257
Cook Inlet Native Association 670 W. Fireweed Lane Anchorage, AK 99503	(907) 265-5900
President and/or VPSO Coordinator Kodiak Area Native Association 402 Center Avenue Kodiak, AK 99615	(907) 486-5725
Executive Director and/or VPSO Coordinator Kawerak, Incorporated P.O. Box 948 Nome, AK 99762	(907) 443-5377
Executive Director and/or VPSO Coordinator Maniilaq Manpower, Inc. P.O. Box 725 Kotzebue, AK 99752	(907) 442-3860
Executive Director and/or Community Health Services Coordinator The North Pacific Rim 611 E. 12th Avenue, Suite #102 Anchorage, AK 99501	(907) 276-2121
President and/or VPSO Coordinator Tanana Chiefs Conference 122 First Avenue, Suite #600 Fairbanks, AK 99707	(907) 478-682
Central Council Tlingit & Haida Indian Tribes of Alaska 320 Willoughby, Suite #300 Juneau, AK 99801	(907) 586-1432

Fire Protection

<http://www.dps.state.ak.us/Fire/asp/>

Alaska Department of Public Safety Fire Training Program 5700 E. Tudor Road Anchorage, AK 99507	(907) 269-5789
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Emergency Medical Services

<http://www.hss.state.ak.us/dph/chems/ems/default.htm>

Section of Community Health and EMS - EMS Unit	(907) 465-3141
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Department of Health and Social Services
P.O. Box 110616
Juneau, AK 99811-0616

Southeast Region EMS Council, Inc. (907) 747-8005
210 Seward Street
Sitka, AK 99833

Southern Region EMS Council, Inc. (907) 562-6449
6130 Tuttle Place, Suite #2
Anchorage, AK 99507

Interior Region EMS Council, Inc. (907) 456-3978
P.O. Box 2120
Fairbanks, AK 99701

EMS Program (907) 852-0269
North Slope Borough Fire Department
P.O. Box 69
Barrow, AK 99723

EMS Program/Maniilaq Association (907) 442-3311
P.O. Box 256
Kotzebue, AK 99752

EMS Program/Norton Sound Health Corporation (907) 443-5411
P.O. Box 966
Nome, AK 99762

Disaster Response

<http://www.ak-prepared.com/>

Alaska Division of Emergency Services (800) 478-2337
Department of Military and Veterans Affairs (907) 428-4000
Post Office Box 5750
Fort Richardson, AK 99505-5750

Flood Plain Management

Department of Community and Economic Development (907) 269-4567
Division of Community Advocacy
550 W. 7th Ave., Suite #1770
Anchorage, AK 99501